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**From:** Smith, Bonnie  
**Sent:** Tue 1/28/2014 3:05:17 PM  
**Subject:** FW: Philadelphia Inquirer (1-28) Blog: We should be outraged by the Elk River chemical spill

**From:** Seneca, Roy  
**Sent:** Tuesday, January 28, 2014 9:58 AM  
**To:** Ferrell, Mark; Garvin, Shawn; Schafer, Joan; White, Terri-A; Smith, Bonnie; Seneca, Roy; Ryan, Daniel; D'Andrea, Michael; Miller, Linda; Hodgkiss, Kathy; Rose, Kenneth; Capacasa, Jon  
**Subject:** Philadelphia Inquirer (1-28) Blog: We should be outraged by the Elk River chemical spill

# Philadelphia Inquirer

## Blog: We should be outraged by the Elk River chemical spill

**Michael Yudell, Associate Professor, Drexel University School of Public Health**

Posted: Tuesday, January 28, 2014, 6:30 AM

**Filed Under:** [Environment](#) | [Michael Yudell](#)

Last Monday, Gov. Earl Ray Tomblin told West Virginia residents that it was up to them whether or not to drink water contaminated by the Jan. 9 spill of the chemical 4-methylcyclohexane methanol (MCHM) into the Elk River. The spill occurred just upstream from a water intake for Charleston's water supply, temporarily cutting off fresh water access to the area's 300,000 residents, sickening at least 400, and putting many others at unknown risk from drinking the water.

The day after the Democratic governor's speech, it was revealed that an additional chemical, Polyphosphorhydrazone (PPH), had also leaked into Elk River waters. Both chemicals are used in the processing of coal.

"It's your decision," Gov. Tomblin told West Virginians, even as controversy arose over the safety of the water, especially for pregnant women and young children. "If you do not feel

comfortable drinking or cooking with this water, then use bottled water.”

That a sitting governor could tell the people he serves in the wake of this environmental health disaster that it is *their decision* whether or not to drink water from a public water supply is shameful. This is protecting his constituents? We should be outraged.

Outraged that state and local government officials thought it was a good idea to allow the storage of toxic chemicals anywhere near a water supply.

Outraged that regulation is so lax in West Virginia that the tanks storing MCHM and PPH had only been minimally inspected in recent decades and that, despite being required to, the company that owned the tanks, Freedom Industries, had neither submitted nor been asked by state officials to submit a storm-water pollution prevention plan or a groundwater-pollution prevention plan.

Outraged that we know so little about the health and environmental hazards of MCHM. Chemicals like MCHM *should* be regulated by the Toxic Control Substances Act of 1976. But because MCHM was among the 62,000 chemicals already in use when Congress passed that law, federal agencies have no mandate to determine their actual safety. Chemicals in use before the law’s passage were presumed safe.

Outraged at the ineptitude of the response to the spill. In the wake of the contamination, Freedom Industries has filed bankruptcy protection, a move seen to protect itself from the lawsuits already filed against it. West Virginia American Water, the water utility that supplies water to the region, was, according to the Charleston Gazette, caught filling up water tankers for residents in areas with contaminated water with the same MCHM laced water from the Elk River that was declared unsafe. Incidentally, just a day before the disaster, Gov. Tomblin declared in his State of the State address that he would “never back down from the EPA because of its misguided policies on coal.” And though the governor has proposed new legislation to increase oversight of companies like Freedom Industries, he also has distanced himself from the spill, seeming to put the blame squarely on West Virginia American Water. “I’d like to say they should have known,” Tomblin said when asked if the company should have done more to protect the water supply. “But I’m not someone who runs West Virginia American Water.”

And don’t forget outrage at the poor federal response to the disaster. The Society for Environmental Journalists and the Society for Professional Journalists expressed their own outrage in an open letter to the heads of the U.S. Environmental Protection Agency and the Centers for Disease Control and Prevention, writing that “since the Charleston story broke January 9, many news reporters have had real difficulty getting access to—and meaningful responses from—federal officials.” For example, it took the EPA a week to comment on the safety of the water, and CDC has refused requests by the Charleston Gazette for the basis of its claim that 1 ppm of MCHM was safe.

The spill of MCHM and PPH into the Elk River is a reminder of how important environmental regulations—and the enforcement of those regulations—are to the public’s health. If we can muster some level of collective outrage at this situation, perhaps we can put politicians and industry alike on notice that we will not allow disasters like this to happen again. Here in

Pennsylvania, activists and politicians are fighting to do just that in the battle to improve regulation and oversight of the fracking industry. Last month's Pennsylvania State Supreme Court ruling striking down parts of Act 13, the state's natural gas drilling law, is a step in the right direction. Let's hope that continued action on behalf of the public's health prevents the after-the-disaster outrage that happens a little too late and all too often.

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